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EXAMINER

MCFADDEN, SUSAN IRIS

ART UNIT PAPER NUMBER

2655

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/749,615

Applicant(s)

DENENBERG ET AL.

Examiner

Susan McFadden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1-6-08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-16, 18, 19, 23-32, 34, 35, 37-44 and 47-49 is/are rejected.
- 7) ☒ Claim(s) 13, 17, 20-22, 33, 36-38, and 45-46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-12, 14-16, 18-19, 23-32, 34-35, 37-44 and 47-49 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

2. Claims 13, 17, 20-22, 33, 36-38, and 45-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 23-25, 39, and 47-49 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al (6,748,426).

In regard to claims 1-3, 23-25, 39, Shaffer et al. show a method, computer readable medium, and system for providing an interactive voice response system

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comprising: recognizing at least one word spoken by a user (voice recognition) using a grammar that is automatically updated (phone number grammar, address grammars, and name grammars from an updated Census bureau list, col. 13, ln 7-22) obtaining at least one set of topics of questions from the sources external (col. 24, ln 2-12, news) which are from updated sources of information external (proper external database, col. 26, ln 5-8) to the interactive voice response system (col. 13).

In regard to claim 47, Shaffer et al. show in Figure 1A, an information services system comprising: at least one storage unit (item 42) to store a grammar and information in response to at least one word by a user (IVR recognition system, col. 13) and at least one processor to automatically update the grammar from sources of information external to the information services system (Fig. 7, item 424).

In regard to claim 48, Shaffer et al. show in Figure 1A, an information services system comprising: a master control unit to control operation of said information services system (item 14, consumer devices), and a plurality of application processing units coupled to said master control unit (web server) including one CPU providing said processor (item 42), one storage unit (inherent in Merchant web server, item 18), and a telephone interface unit coupled to processor unit (item 14A).

In regard to claim 49, Shaffer et al. show in Figure 7, at least one processor is programmed to obtain at least one set of topics for questions spoken by a user from the sources of information for use in updating the grammar.

***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-12,14-16,26-32,34, and 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (cited above) in view of Appelt et al. (U.S. Patent 6,601,026 B2).

In regard to claims 4,26, and 40, Shaffer et al. show the method and system for discussed above. They do not specifically show that a news report provider is repeatedly accessed via a computer network. Appelt et al. show an interactive voice system and method which includes repeatedly (continuously) accessing the at least one news report provider (news service provider, col.4, ln 14-16, col. 5, ln. 9-12) via a computer network (Fig. 10, network 530, col.12, 11.48-57). The real-time news services are continuously accessed for the information database, e.g., the free-text documents,103, continuously updated. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add a news database and provider because it would give the system more flexibility.

In regard to claims 5,7,27, and 41, Shaffer et al. show the method and system discussed above which includes extracting keywords (pizza, col. 9, ln 15-35), which inherently can be highlighted and used to update the grammar. They do not specifically show that these words are from a news report. Appelt et al. show an interactive voice system and method which includes repeatedly (continuously) accessing the at least one

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news report provider (news service provider, col.4, 11.14-16, col.5, 11.9-12) via a computer network (the network 530, col.12, 11.48-57). The real-time news services is continuously accessed for the information database, e.g., the free-text documents 1 03, to be continuously updated. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add a news database because it would give the system more flexibility.

<sup>30</sup>  
In regard to claims 6,28, and 42, Shaffer et al. show the method and system discussed above but does not specifically show that part of the news reports are stored and outputted. Appelt et al. show a method above, further comprising: storing at least part (e.g., index with list of terms or words, col. 1, 11.52-64, col.2, 11.30- 34, 11.60-67) of the news reports (Fig.7: 502, Fig.8), and the indices are stored in database 109. (col.5, 1n 34-37) outputting at least one of the news reports (Fig.7, 502, Fig.8) when the spoken question (e.g., "Tell me about joint ventures involving SBC in the Communication Services Sector", col. 11, In 53-55) contains at least one of the keywords (e.g., 'joint ventures' and 'SBC' in the summary 504, col. 11, In 58-65) extracted therefrom. The keywords are extracted by information extraction engine 108 (col. 5, In 21-24, 1In 38-41). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because it would give the system more flexibility.

In regard to claims 8 and 29, Shaffer et al. show the method and system for discussed above but does not specifically show that specific keywords can be extracted. Appelt et al. show the method above, further comprising: comparing words in the news

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reports with a list of potential keywords (e.g., relevant keywords) to identify the keywords for said extracting. (e.g., pre-filtering, Fig. I, 106, col.6, ln 25-29). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because it would give the system more flexibility.

In regard to claims 9,10,31, and 32, Shaffer et al. show the method and system for discussed above but does not specifically show that audio files are used and output. Appelt et al. show the method above, wherein said storing stores at least one file (text corpus 103 containing text from multimedia source 550: col.5, ln14-24, Fig.11, col.14, ln 9-14) containing an audio signal (sound stream) related to at least one of the news reports (Fig.7: 502, Fig.8, col.3, ln 37-45, col.4, ln 34-40) and wherein said outputting plays back (through the TTS system, Fig.10, 537, col.13, ln 39-43, col.4, ln 30-32) the at least one audio file. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because it would give the system more flexibility.

In regard to claim 11, Shaffer et al. show the method and system discussed above but does not specifically show that text to speech is used. Appelt et al. show the method above, wherein said storing stores at least one text file (text format documents, col.5, ln.14- 15) related to one of the news reports (Fig.7, 502, Fig.8), and wherein said outputting includes text-to-speech (RTS 537, col.13, ln 33-43) conversion of the at least one text file. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because it would give the system more flexibility.

In regard to claim 12, Shaffer et al. show the method and system discussed above but does not specifically show that user can select a news report. Appelt et al. show the method above, further comprising: determining the at least one news report provider (e.g., New York Times (Fig.7: 506) or PR Newswire (Fig.8)) based on selection by the user. In the case of an article by more than one news report provider, the user can select the article by a particular news report provider by clicking on a hyperlink. (col. 11, ln 66-67). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because it would give the system more flexibility.

In regard to claim 14, Shaffer et al. show the method and system discussed above but does not specifically show the determining is done by a computer operated by the user. Appelt et al. show the method above, wherein said determining is performed via a computer network connection (the internet 530, col.12, 11.48-53) between the interactive voice response system (the natural language query system 100) and a computer (workstations 532) operated by the user. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because it would give the system more flexibility.

In regard to claims 15,34, and 43, Shaffer et al. show the method and system discussed above but does not specifically show that grammar words can be obtained and added to the grammar. Appelt et al. show the method above, further comprising: automatically obtaining grammar words (topic-specific information, e.g., 'joint venture', 'SBC', col.7, ln.49-50) to be added to the grammar (e.g., grammar template files 310 which are located in database 109: col.7, ln. 46-48, col.10, ln. 6-11) from at least one



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message (Fig.7, 502, Fig.8) for a user. The topic and keywords are automatically extracted by the automation 300 (col. 7, ln 53- 57- col. 8, ln. 1-20, col. 10, ln. 6-16). The news article (Fig. 7, 502, Fig.8) is a message that can be represented in text format (col.5, ln. 14-15) or in sound stream (col. 5, ln. 15-17, col. 14, ln. 9-13). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because it would give the system more flexibility.

In regard to claims 16 and 44, Shaffer et al. show the method and system discussed above but does not specifically show that message words can be compared and added to the grammar. Appelt et al. show the method above, further comprising: comparing message words (topic & keywords) in the at least one message (Fig.7, 502, Fig. 8) with information in a global information database (e.g., searching the database 109 by information extraction and query engine 104) to determine for each message word (e.g., 'joint venture', 'SBC') whether there are any corresponding questions (e.g., "Tell me about joint ventures involving SBC in the Communication Service Sector" or "Did Barnes & Nobel acquire anyone this year?", col.6, ln. 48-51) that can be answered by information in the global information database (database 109, col.6, ln.43-55) and updating the grammar (grammar rules or files) with the corresponding questions and related message words. (col.7, ln. 33-52). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because it would give the system more flexibility.

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7. Claims 18-19 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (cited above) in view of Appelt et al. (U.S. Patent 6,601,026) in further view of Weber (6,434,524).

In regard to claim 18, Shaffer et al. and Appelt et al. show the method and system discussed above but does not specifically show automatically adding words to a grammar. Weber teaches automatically adding words (e.g., new information) to a grammar (grammar files, col.3, ln. 4-7- col.12, ln 53-67). Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to add these features because it would give the system more flexibility.

In regard to claims 19 and 35, Appelt et al. show the method above, wherein the message (Fig.8) is a voicemail message (e.g. sound stream, col.14, ln.9-12., col.5, ln.14-20) and the source of the message is based on automatic number identification (message-ID: Fig.8,506) provided when the voicemail message was received.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not


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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan McFadden whose telephone number is 571-272-7621. The examiner can normally be reached on Monday-Friday, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susan McFadden  
Primary Examiner  
Art Unit 2655

March 16, 2005